

Remarks

I. Status of claims

Claims 1-10, 22-40, and 42-52 are pending.

Claims 1-10, 24-27, 29, 30, 33-36, 38, 39, 44-47, 50, and 52 have been allowed.

The Examiner has indicated that claim 43 would be allowable if rewritten in independent form.

Claims 48 and 49 have been amended to depend from allowed claim 45 and therefore now are in condition for allowance.

Claims 22, 23, 28, 31, 32, 37, 40, 42, and 51 stand rejected.

II. Rejection of claims under 35 U.S.C. § 102

The Examiner has rejected claims 22, 23, 28, 31, 32, 37, 40, 42, and 51 under 35 U.S.C. § 102(e) over Anderson (U.S. 6,262,769).

A. Claim 22

The Examiner has given the following reasons in support of his rejection of claim 22:

As for Claim 22, Anderson et al teaches on Column 2, Lines 65-67 and depicts in Figure (3 and 8) a process for a camera having a display (402), comprising: sensing motion (560) corresponding to motion of the display (402) Column 4, Lines 16-20; interpreting the sensed motion (506) as a user interface input; and presenting on the display (402) images superimposed on a scene viewed through the camera in accordance with the interpreted user interface input Column 8, Lines 10-42. The examiner views the images superimposed as being the text and graphics discussed on Column 8, Lines 37-42. The scene viewed through the camera is viewed as the image which will be displayed on the LCD viewfinder.

The Examiner's rejection of independent claim 22 under 35 U.S.C. § 102(e) over Anderson should be withdrawn for the following reasons.

First, element 560 in Anderson's digital camera 110 is an *orientation sensor*, not a *motion sensor*. The orientation sensor 560 is capable of detecting the orientation (e.g., left

rotation portrait, right rotation portrait, upright position, inverted position, tilted forward, or tilted backward) of the camera 110 (see, e.g., col. 4, lines 1-2 and lines 14-20, col. 5, line 66 - col. 6, line 23), but the output of the orientation sensor 560 will remain the same if the orientation of the camera 110 remains unchanged, regardless of any motion of the camera.

Second, Anderson's camera 110 does not present on a display images superimposed on a scene viewed through the camera in accordance with interpreted user interface input, as recited in claim 22. In particular, contrary to the Examiner position, one skilled in the art at the time the invention was made could not have reasonably considered the "image" that is displayed on the LCD screen 402 of Anderson's camera 110 during the review mode of operation as corresponding to "a scene viewed though the camera" because it is a static image, not a scene viewed through the camera. Although the displayed image has the appearance of a scene that was viewed through the camera, it is not a scene viewed through the camera. Furthermore, contrary to the Examiner's statement, the designs and icons that are displayed on the LCD screen 402 at the same time as the image are not "superimposed" on the displayed image. Instead, the designs and icons are displayed in the borders 802a, 802b, 802a", and 802b" to the left, right, top, and bottom of the displayed image.

For at least these reasons, the Examiner's rejection of independent claim 22 under 35 U.S.C. § 102(e) over Anderson should be withdrawn.

B. Claims 23, 28, and 51

Each of claims 23, 28, and 51 depends from independent claim 22 and therefore is patentable over Anderson for at least the same reasons explained above.

C. Claim 31

Independent claim 31 recites:

31. A camera, comprising:
 - a display;
 - a motion sensor configured to sense motion corresponding to motion of the display; and
 - circuitry configured to interpret the sensed motion as a user interface input and to present on the display images superimposed on a scene viewed though the camera in accordance with the interpreted user interface input.

As explained above in connection with independent claim 22, element 560 in Anderson's digital camera 110 is an *orientation sensor*, not a *motion sensor*. In addition, Anderson's camera 110 does not present on a display images superimposed on a scene viewed through the camera in accordance with interpreted user interface input, as recited in claim 31.

For at least these reasons, the Examiner's rejection of independent claim 31 under 35 U.S.C. § 102(e) over Anderson should be withdrawn.

D. Claims 32 and 37

Each of claims 32 and 37 depends from independent claim 31 and therefore is patentable over Anderson for at least the same reasons explained above.

E. Claim 40

Independent claim 40 recites:

40. A camera, comprising:
 - a display, wherein the display is a see-through display, wherein a virtual image is displayable over a scene viewed through the see-through display;
 - a motion sensor configured to sense motion of the camera; and
 - circuitry configured to interpret sensed motion of the device as a user interface input and to present on the display images superimposed on a scene viewed through the camera in accordance with the interpreted user interface input.

In his rejection of claim 40, the Examiner has stated that he "views the display as a see-through display because it can be used as a viewfinder during the capturing of an image." Although Anderson teaches that the LCD screen 402 may be used as a viewfinder during the *capture mode of operation* (see col. 1, lines 35-37, and col. 7, line 49-50), Anderson does not even hint that a virtual image is displayable over a scene viewed through the LCD screen 402 during the capture mode of operation. In col. 8, lines 9-42, Anderson merely discloses that designs and icons may be displayed in the borders 802a, 802b, 802a", and 802b" to the left, right, top, and bottom of the displayed image in the *review mode of operation* (see col. 7, line 49-50). The "image" that is displayed on the LCD screen 402 of Anderson's camera 110

during the review mode of operation, however, does not correspond to "a scene viewed though the camera" because it is a static image, not a scene viewed through the camera.

For at least this reason, the Examiner's rejection of independent claim 40 under 35 U.S.C. § 102(e) over Anderson should be withdrawn. This rejection also should be withdrawn for the following additional reasons.

As explained above in connection with independent claim 22, element 560 in Anderson's digital camera 110 is an *orientation sensor*, not a *motion sensor*. In addition, Anderson's camera 110 does not present on a display images superimposed on a scene viewed through the camera in accordance with interpreted user interface input, as recited in claim 40.

For at least these additional reasons, the Examiner's rejection of independent claim 40 under 35 U.S.C. § 102(e) over Anderson should be withdrawn.

F. Claim 42

Independent claim 42 recites:

42. A process for a camera having a display, comprising:
 - sensing motion of the camera;
 - interpreting sensed motion of the camera as a user interface input; and
 - presenting on the display images superimposed on a scene viewed though the camera in accordance with the interpreted user interface input, wherein the presenting comprises simultaneously presenting a virtual image and an image of a scene viewed through the camera.

For reasons analogous to those explained above in connection with independent claim 22, Anderson's camera 110 does not present on a display images superimposed on a scene viewed though the camera in accordance with the interpreted user interface input, wherein the presenting comprises simultaneously presenting a virtual image and an image of a scene viewed through the camera, as recited in claim 42.

For at least these reasons, the Examiner's rejection of independent claim 42 under 35 U.S.C. § 102(e) over Anderson should be withdrawn.

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Page : 14 of 14

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III. Rejection of claims under 35 U.S.C. § 103

The Examiner also has rejected claim 51 under 35 U.S.C. § 103(a) over Anderson in view of certain unsubstantiated prior art.

Claim 51 incorporates the features of independent claim 22. The unsubstantiated prior art does not make-up for the failure of Anderson to teach the features of independent claim 22 discussed above. Therefore, claim 51 is patentable over Anderson for at least the same reasons explained above in connection with independent claim 22.

IV. Conclusion

For the reasons explained above, all of the pending claims are now in condition for allowance and should be allowed.

Charge any excess fees or apply any credits to Deposit Account No. 08-2025.

Respectfully submitted,



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